

CHAD EDWARD KASTLE,)	No. C 08-02196 JF (PR)
)	
Petitioner,)	ORDER DENYING REQUEST
)	FOR CERTIFICATE OF
vs.)	APPEALABILITY
)	
MICHAEL S. EVANS, Warden,)	
)	
Respondent.)	
)	

A petitioner may not appeal a final order in a federal habeas corpus proceeding without first obtaining a certificate of appealability (formerly known as a certificate of probable cause to appeal). See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A judge shall grant a certificate of appealability “only if the applicant has made a substantial showing

1 of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The certificate must
2 indicate which issues satisfy this standard. See id. § 2253(c)(3).

3 “Where a district court has rejected the constitutional claims on the merits, the
4 showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate
5 that reasonable jurists would find the district court’s assessment of the constitutional
6 claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court
7 denied the instant habeas petition after careful consideration of the merits. The Court
8 found no violation of Petitioner’s federal constitutional rights in the underlying state court
9 proceedings. Petitioner has failed to demonstrate that jurists of reason would find it
10 debatable whether this Court was correct in its ruling. Accordingly, Petitioner’s request
11 for a certificate of appealability is DENIED.

12 The clerk shall forward to the court of appeals the case file with this order. See
13 Fed. R. App. P. 22(b).

14 IT IS SO ORDERED.

15 DATED: 11/5/08


16 JEREMY FOGEL
United States District Judge